

**MINUTES**  
**CLAY COUNTY BOARD OF ADJUSTMENT**  
**5:30 PM, TUESDAY, NOVEMBER 15, 2016**  
**MEETING ROOM B, CLAY COUNTY COURTHOUSE**

**Members Present:** Chair Amos Baer, Perry Bushaw, Greg Anderson

**Members Absent:** Paul Krabbenhoft, Pamela Harper

**Others Present:** Tim Magnusson, Jenny Samarzja, Lynne Spaeth, Ronnie Labrensz,  
Marilyn Labrensz

**On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board approved the agenda as written.**

**On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board approved the minutes from September 20, 2016 as written.**

**MARILYN AND RONNIE LABRENSZ - REQUEST FOR VARIANCE**

The applicants are seeking approval of a variance to allow a structure to be located closer to the centerline of an adjacent roadway than code allows. The Clay County Development Code currently requires a structure be set back a minimum of 125 feet from the centerline of a roadway. The applicants are requesting that an addition to a structure be allowed as close as 112 feet from a road centerline. The affected property is a 17.35 acre parcel located in the SE Quarter, SW Quarter, Section 35, T140N, R46W (Spring Prairie Township), in the Agricultural General and Resource Protection-Aggregate Zoning Districts.

**On motion by Perry Bushaw, seconded by Greg Anderson, and unanimously carried, the Board opened the public hearing.**

Tim Magnusson, Planning Director, provided aerial views of the property and pointed out surrounding roads and two residences. The applicants are interested in expanding their home and want to enlarge their existing garage. At the current time, there is 134 feet from the garage to the center of road. The applicant is proposing a 22 x 32 feet addition on the south side of the garage bringing the setback down to 112 feet. There is a power pole to the north of the garage so adding in that direction cannot happen without moving the pole. Magnusson presented an aerial photograph to David Overbo of the Highway Department. Overbo reviewed it and didn't believe it to be an issue.

Magnusson added that the Spring Prairie Township had received notification but no one from the township had contacted him.

The applicants had originally applied for a Building Permit but after review, Magnusson advised them they would first need a variance due to the short 112-foot setback.

The applicants Ronnie and Marilyn Labrensz were present to answer questions. Mr. Labrensz presented the Spring Prairie Township Zoning booklet and said that the township's setback of 125 feet matched the County's. He stated they had the chance to visit with Ted Simmons, Jerry Wetterlin and Jean Clark from Spring Prairie Township Board and they were all aware of the variance application and as far as the township was concerned, there was not a problem. If the County was fine with the proposal, then the Township was as well.

**On motion by Greg Anderson, seconded by Perry Bushaw, and unanimously carried, the Board closed the public hearing.**

**On motion by Perry Bushaw, seconded by Greg Anderson, and unanimously carried, the Board approved a variance to allow a garage addition to be located no closer than 112 feet from the centerline of the adjacent roadway (15<sup>th</sup> Ave) on a parcel located in the SE Quarter, SW Quarter, Section 35, T140N, R46W Spring Prairie Township. The variance was approved with the following criteria:**

- 1) The proposed variance is in harmony with the general purpose of the zoning district and intent of the Development Code;**
- 2) The proposed variance constitutes only a 10% reduction in the required setback;**
- 3) The circumstances related to this request constitute a "practical difficulty" related to the placement of the electrical pole north of the garage;**
- 4) The variance would not alter the essential character of the locality.**

**On motion by Perry Bushaw, and seconded by Greg Anderson, the meeting was adjourned at 5:43 p.m.**

**By: \_\_\_\_\_**  
**Amos Baer, Chair**